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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK NY 10112-3800

> COPY MAILED APR 2 0 2006 OFFICE OF PETITIONS

In re Patent No. 6,980,238 B2 DECISION ON

PATENT TERM ADJUSTMENT AND NOTICE OF INTENT Masanori Kawashima :

TO ISSUE

Issue Date: December 27, 2005 :
Application No. 09/955,206 :
Filed: September 19, 2001 :
Attorney Docket No. 03500.011186.1 : CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(D)", filed February 22, 2005. Patentee requests that the patent term adjustment indicated on the patent be corrected from six hundred seventy-six (676) days to seven hundred ninety-six (796) days.

The petition is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of seven hundred ninety-six (796) days.

On December 27, 2005, the above-identified application matured into U.S. Patent No. 6,980,238. The instant request for reconsideration filed February 22, 2006 was timely filed within two months of the date the patent issued. See \$1.705(d). The Patent issued with a Patent Term Adjustment of six hundred seventy-six (676) days.

Patentee states that the patent is not subject to a terminal disclaimer.

Patentee asserts that he should not have been assessed applicant delay of one hundred twenty (120) days for the submission of a "STATEMENT OF SUBSTANCE OF INTERVIEW".

The "STATEMENT OF SUBSTANCE OF INTERVIEW" is not identified as one of the papers the filing of which the Director has specifically deemed not to be a failure to engage in reasonable efforts under 37 C.F.R. §1.704(c)(10). Nevertheless, under the circumstances of this case, it is concluded that the filing of applicant's "STATEMENT OF SUBSTANCE OF INTERVIEW" is not a failure to engage under 37 C.F.R. §1.704(c)(10). Accordingly, the assessment of one hundred twenty (120) days of applicant delay with respect to this filing is not warranted.

In view thereof, the correct determination of PTA at the time of issuance is seven hundred ninety-six (796) days (796 days of PTO delay and 0 days of applicant delay).

Receipt of the \$200.00 fee set forth in 37 C.F.R. §1.18(e) is acknowledged.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by seven hundred ninety-six (796) days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Kery Fries

Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enc: draft certificate of correction

See Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed, 1247 Off. Gaz. 111 (June 26, 2001).

UNITED STATES PATENT AND TRADEMARK OFFICE **CERTIFICATE OF CORRECTION**

PATENT

: 6,980,238 B2

DATED

: December 27, 2005

INVENTOR(S): Masanori Kawashima

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (676) days

Delete the phrase "by 676 days" and insert – by 796 days—

Day: Wednesday



PALM INTRANET

Date: 4/19/2006 Time: 11:42:15

| PTA Calculations for Application: <u>09/955206</u> | | | | | | | | |
|--|------------|-------------------------|-----|--|--|--|--|--|
| Application Filing Date: | 09/19/2001 | PTO Delay (PTO): | 796 | | | | | |
| Issue Date of Patent: | 12/27/2005 | Three Years: | 0 | | | | | |
| Pre-Issue Petitions: | 0 | Applicant Delay (APPL): | 120 | | | | | |
| Post-Issue Petitions: | 0 | Total PTA (days): | 796 | | | | | |
| PTO Delay Adjustment: | 120 | | | | | | | |

| File Contents History | | | | | | | |
|-----------------------|------------|--|-----|------|-------|--|--|
| Number | Date | Contents Description | PTO | APPL | START | | |
| 39 | 04/19/2006 | ADJUSTMENT OF PTA CALCULATION BY PTO | 120 | | | | |
| 35.5 . | 12/07/2005 | PTA 36 MONTHS | | | | | |
| 35 | 12/27/2005 | PATENT ISSUE DATE USED IN PTA CALCULATION | 82 | | 28 | | |
| 34 | 11/02/2005 | EXPORT TO FINAL DATA CAPTURE | | | | | |
| 33 | 11/01/2005 | DISPATCH TO FDC | | | | | |
| 32 | 05/26/2005 | MISCELLANEOUS INCOMING LETTER | | 120 | | | |
| 31 | 09/30/2005 | FINISHED INITIAL DATA CAPTURE | | | | | |
| 30 | | RESPONSE TO REASONS FOR ALLOWANCE | | | , | | |
| 29 | 08/16/2005 | APPLICATION IS CONSIDERED READY FOR ISSUE | | | | | |
| 28 | 06/06/2005 | ISSUE FEE PAYMENT VERIFIED | | | | | |
| 27 | 07/05/2005 | EXPORT TO INITIAL DATA CAPTURE | | | | | |
| 26 | 06/06/2005 | ISSUE FEE PAYMENT RECEIVED | | | | | |
| 25 | 05/11/2005 | MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT | | · | | | |
| 24 | 05/10/2005 | MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT | | | | | |
| 23 | 05/09/2005 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413) | | | | | |
| 21 | 04/20/2005 | MAIL NOTICE OF ALLOWANCE | | | | | |
| 20 | 04/18/2005 | ISSUE REVISION COMPLETED | | | | | |
| 19 | 04/18/2005 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | | | |
| 18 | 04/18/2005 | NOTICE OF ALLOWABILITY | | | | | |
| 17 | 04/08/2005 | DATE FORWARDED TO EXAMINER | | | | | |
| 16 | 02/02/2005 | RESPONSE AFTER NON-FINAL ACTION | | | | | |
| 15 | 02/02/2005 | WORKFLOW INCOMING AMENDMENT IFW | | | | | |

| 14 | 11/02/2004 MAIL NON-FINAL REJECTION | | 714 | | -1 |
|----|-------------------------------------|---|-----|---|----|
| 13 | 11/01/2004 | NON-FINAL REJECTION | | | |
| 12 | 08/26/2004 | CASE DOCKETED TO EXAMINER IN GAU | | · | |
| 11 | 08/24/2004 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 10 | 08/16/2004 | CLAIMS PTO | | | |
| 9 | 08/16/2004 | IFW TSS PROCESSING BY TECH CENTER COMPLETE | | | |
| | | REFERENCE CAPTURE ON IDS | | | |
| 7 | 09/19/2001 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 6 | 09/19/2001 | PRELIMINARY AMENDMENT | | | |
| 5 | 03/05/2004 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 4 | 10/31/2001 | APPLICATION DISPATCHED FROM OIPE | | | |
| 3 | 10/30/2001 | CORRESPONDENCE ADDRESS CHANGE | | | |
| 2 | 09/24/2001 | IFW SCAN & PACR AUTO SECURITY REVIEW | | | |
| 1 | 09/19/2001 | INITIAL EXAM TEAM NN | | | |

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EXPLANATION OF PTA CALCULATION

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